

Planning Workshop Notes - 2023

1. Amendment to Garage Sale Ordinance #5111
 - Tent Sales (were intended for businesses within commercial plaza only) consider possibly allowing them once a month/current ordinance allows 2 per year
(Allow 1 every 3 months similar to garage sale)
 - Consider allowing Estate Sales for up to 4 days (current ordinance only allows 2 days)
(Allow 4 days for Estate Sales)

2. Amendment to Off-Street Parking Ordinance #1107
 - Increase the number of parking spaces required on commercial buildings.
(current code requires 4 parking spaces p/first 400 sq.ft. any additional 400' squares 1 additional parking space)
Amend code to require 4 parking spaces p/first 200 sq. ft. any additional 200' requires 1 additional parking space

Example: 3000 sq. ft. building Current Ordinance
(3,000-400 sq.ft.=2,600/400=6.5)
4 spaces + 7 spaces = 11 total parking spaces

(3,000-200=2,800/200=14) Staff's Proposal
4 spaces + 14 spaces = 18 total parking spaces

(3,000-250=2,750/250=11) City Council consideration
4 spaces + 11 spaces = 15 total parking spaces

3. Special Use Permit Ordinance (Consider Adopting)
 - Type of events allowed under this ordinance
4. No Parking on the Grass Ordinance #5001
 - Enforce or Repeal
5. Carport Ordinance
 - Consider only for Medical Needs (City Attorney's request)
6. Amendment to Conditional Use Permit Ordinance
 - Currently, only business that sell or serve alcohol require a CUP.
 - BYOB (Bring your own beer) don't require a CUP. (Example: Event Centers, social clubs, bar & grill)
 - Restaurants that serve liquor or other alcoholic beverages for on-premise consumption and in accordance with adopted policies. Also, bars, cocktail lounges, taverns, cantinas, saloons, dancehalls, discotheques, discos, nightclubs or other similar operations. The aforementioned conditional use shall in all cases require the approval of the City Council.
7. Wrecker Ordinance #4330
 - # of units allowed

GARAGE SALE

ORDINANCE NO. 5111

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS, AMENDING CHAPTER 82 – SALES, ARTICLE II – ‘GARAGE, PORCH AND YARD SALES’ OF THE CITY OF MISSION’S CODE OF ORDINANCES, TO INCLUDE CLUBHOUSE/RECREATION HALL SALES PERMIT, RUMMAGE SALES PERMIT, TENT SALES PERMIT, AND ESTATE SALES PERMIT; TO PROVIDE FOR A CUMULATIVE PROVISION; TO PROVIDE FOR A SEVERABILITY PROVISION; TO PROVIDE FOR AN EFFECTIVE DATE; TO PROVIDE FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; AND TO HAVE THE APPLICABLE PROVISIONS OF THIS ORDINANCE CODIFIED IN THE CITY OF MISSION’S CODE OF ORDINANCES

WHEREAS, The City of Mission, Texas has existing regulations governing the private operation of garage sales, porch sales, and yard sales through its permit processes; and,

WHEREAS, The City of Mission, Texas desires needed improvement to these permit sales regulations to meet the changing needs of a growing populace; and,

WHEREAS, There appears to be an ever-evolving concern regarding the collective sale of sundry items within a residential community’s clubhouse/recreation hall; inclusive of similar concerns regarding estate sales, rummage sales, and tent sales of varying incidence and depth; and,

WHEREAS, It is in the City of Mission’s best interests to amend the applicable sections of the Code of Ordinances to better monitor, control, and regulate such sales in order to effect a tighter structure of such sales operations that may inherently disturb the joy and peace desired of Mission’s surrounding residential neighborhoods; and,

WHEREAS, There also needs to be a need to improve operations of tent sales in commercial areas to maximize controlled safety measures, thus realizing a pleasant sales experience to both the operator and patron.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSION, COUNTY OF HIDALGO, STATE OF TEXAS, THAT THE FOLLOWING AMENDMENTS BE HEREBY APPROVED:

ARTICLE II. – GARAGE, PORCH, YARD, CLUBHOUSE/RECREATION HALL, RUMMAGE, TENT, AND ESTATE SALES

Sec. 82-31. - Purpose and intent of article.

- (a) As a matter of public policy, the City Council aims to preserve, enhance and perpetuate the economic value and the residential character of ~~its the city’s~~ neighborhoods in part by **properly** regulating garage sales, **clubhouse/recreation hall sales, rummage sales, tent sales, and estate sales**. Such preservation promotes and protects the health, safety, comfort, **tranquility**, economic investment, and general welfare of the ~~people~~ **citizens residing living** in Mission, **as well as visiting patrons**.
- (b) More specifically, ~~this garage sale, permits issued for~~ clubhouse/recreation hall sales, and estate sales ~~article is~~ **are** intended to achieve the following goals:
 - (1) To protect residential areas from ~~the semi-permanent~~ **occasional** encroachment of commercial uses which induces an incidental influx of traffic and increased on-street parking;
 - (2) To protect and magnify the aesthetic **and peaceful** qualities **desired** of **all residential** neighborhoods;
 - (3) To ensure the harmonious and orderly operation of garage sales in residential areas; and
 - (4) To ensure the harmonious and orderly operation of tent sales in commercial areas.

Section 82-32 – “Definitions”, is hereby amended by adding the following

Clubhouse/Recreation Hall Park Sale: A clubhouse/recreation hall park sale is usually a sale of personal items where multiple property owners and/or tenants collectively organize to offer their private items to have a joint sale at their clubhouse or recreation hall.

Estate Sale: An estate sale or estate liquidation is a sale or auction to dispose of a substantial portion of the materials owned by a person who is (recently) deceased or who must dispose of their personal property to facilitate a move.

Rummage Sale: A sale of miscellaneous secondhand articles, typically held to raise funds for a charity, a non-profit cause, and/or a special event or purpose.

Tent Sale: Any retail sales operation conducted on a commercially zoned property that either partially or entirely is outside within in a temporary structure such as a tent.

Section 82-35 Garage Sales operators' permit be amended as follows.

(A) Garage sale operators' permit. It shall be unlawful for any person or church or institutional organization to operate or participate in the operation of a garage sale of sundry items without first obtaining the proper permit from the City of Mission. Since more time for perusing numerous displayed items is expected at a church or institutional garage sales event, the church or institutional organization must make their restroom facilities available as needed, and such restroom facilities shall be functional, and properly equipped with necessary paper towels, and other necessities throughout the duration of said sales event. If logistics or security is a concern for the applicant, a portable restroom may be considered as a viable option so long as it is clean, sanitized, and properly equipped with typical restroom necessities.

(B) Clubhouse/Recreation Hall Park Sale Permit, Estate Sale, Rummage Sale, & Tent Sales. It shall be unlawful for any person, business owner/operator, auctioneer or clubhouse Homeowner's Association, to participate in the operation of any clubhouse/recreation hall park sale, estate sale, rummage sale or tent sale without first obtaining the proper permit from the City of Mission.

Section 82-36 Term of garage sale permit to be amended as follows.

All permits covered by this article shall continue in full force from the date specified on the permit. Each residential garage sale shall be valid for either four consecutive days, or two consecutive two-day weekends (any two-day combination of Friday, Saturday or Sunday).

Clubhouse/Recreation Hall Park Sale.....1-day sale only and must submit a list of all property owners that will participate and their addresses.

Rummage Sale.....Must submit a bone fide letter for permit approval prior to the event.

Tent Sale.....1 day, but no more than a 3 day sale; must obtain signed letters from ALL property owners & tenants agreeing to use the commercial parking lot for the sale; no such permit shall be issued if there is insufficient parking due to the size of the temporary structure and any incidental staging area.

Estate Sale.....2 day sale; proper documentation shall be provided as part of the permit application process to sustain that said estate sale is a legitimate event.

Section 82-37 Maximum number of garage sales to be amended as follows.

The City of Mission shall issue one permit for each residential garage sale. Each location shall be allowed four garage sales per calendar year not to exceed one garage sale per three-month interval.

Clubhouse/Recreation Hall Park Sale & Tent Sale shall be valid for one day, but no more than a three day sale. Each location shall be allowed 2 sales permits per calendar year, not to exceed one Tent Sale per six-month interval.

Sec. 82-38. - Permits issued in violation of this article.

Any garage, clubhouse/recreation hall, rummage, tent, and estate sale permit discovered to have been incorrectly and/or inadvertently issued shall be null and void; **whereafter the City shall immediately alert the applicant/operator of such permit cancellation with instruction on securing a refund of any paid fees; such 'notice' shall be documented by staff on the day/time of the conversation (inclusive of any electronic 'notice'). Such needful cancellation of a permit may not preclude the applicant/operator from applying anew to secure a bona fide and valid sales permit.** ~~A voided garage sale permit shall not constitute validity for the operator to conduct a garage sale whereafter no garage sale shall be deemed authorized until a garage sale permit shall be validly issued.~~

Sec. 82-39. - Application for a Sales Permit.

- (a) An application for a ~~garage~~ sales permit shall be fully completed upon forms provided by the City of Mission.
- (b) The application will contain all reasonable information necessary to fully advise the City of Mission of the date(s), location (street address), hours of **sales' operation, etc.** ~~of the garage, sale and any other information that may be reasonably required.~~
- (c) Only a legal occupant of the residential property upon which the garage, **clubhouse/recreation hall, rummage and estate** sale will be conducted may obtain such permit. In the case of a church or institutional ~~garage rummage~~ sale permit, **signed** correspondence on church letterhead with an original signature from a church authority or authority of the institutional organization citing the ~~need desire~~ **need** to secure said permit shall be provided **in a timely manner** to assure legitimacy of consideration. **Once confirmed and verified**, the church or institutional organization may ~~be able to~~ apply to the City Manager's office for the ~~garage sales~~ permit. **In the case of a clubhouse/recreation hall sales permit, correspondence on the developments' letterhead with an original signature and name of all vendors and all participants' addresses shall be provided to assure legitimacy of consideration. In the case of the tent sale permit, signed correspondence with original signatures from ALL property owners and tenants agreeing to use the parking lot for such a sales event shall be timely provided; on such a tent sale permit, staff shall assure that sufficient off-street parking shall still remain available excluding the area where the temporary shelter (tent) shall be located.**
- (d) Before such permit shall be issued, the application shall provide proof of address (driver's license, utility bills or other identification) and any other pertinent information as may be reasonably required by the City of Mission. Upon verification and full compliance with the provisions contained herein, and payment of the proper fee, a ~~garage sales~~ permit will be issued. ~~by the City of Mission.~~
- (e) ~~By making application for such garage sales permit, accepting said permit and conducting such sale,~~ The owner or lessee of the property to whom such a sales permit is granted ~~authorizes-realizes and agrees~~ that a **certified Code Enforcement Officer** of the City of Mission **shall have the inherent right** to enter upon the property during reasonable hours for the purpose of determining that such sale is being fully conducted in accordance with the provisions of this Article.

Sec. 82-40. - Permit number and ~~garage sales permit~~ information.

- (a) Each **sales** permit issued shall bear the street address of the residence where the sale will be located, the date(s) when the garage sale will be held, and any other **reasonable** information deemed necessary by the City of Mission.
- (b) The **sales** permit must be clearly displayed and visible **from a general** distance of six feet from the **streets'** curbline or nearest edge of paved portion of the street or right-of-way; **and shall** ~~or~~ be immediately available for inspection at the **approved garage sale** location.

Section 85-41 Fees to be amended as follows

No **residential sales** permit shall be issued unless the **resident applicant** has first paid the garage sale operator's fee of \$10.00 for each permit obtained.

No sales permit shall be issued unless the applicant has first paid the Clubhouse/Recreation Hall – rummage - tent sale operators' fee of \$50.00; and the Estate operators' sales fee shall be \$75.00.

Sec. 82-44. - Penalties for violation of Article.

- (a) It shall be unlawful for any person to operate, participate in, or ~~recklessly allow to be~~ operated upon **their** property ~~owned~~ or property controlled by that person, **a sales event or institution a garage, sale** in a manner not in compliance with the provisions of this Article. Each day a violation is committed or permitted to continue, shall constitute a separate offense. The City of Mission reserves the right to immediately revoke **any issued sales permit a garage, sale permit upon documentation of the violation of if any of the more substantial regulations contained herein are violated. However, It is noted and understood that** a church or institution may sell "new or seemingly new" items due to its non-profit status. If a garage, **clubhouse/recreation hall, rummage, tent, and estate sales permit is so needfully** revoked, there will be no reimbursement of paid fees, **unless determined otherwise by the City Manager; dependent on the plethora of varying circumstances. Any such reimbursement, be it partial or full, shall be properly documented on the sales permits' file.**
- (b) Unless otherwise specified, each violation of any provision of this Article shall be punishable by a fine not to exceed \$25.00 for the first two convictions, and not to exceed \$100.00 for each conviction thereafter. Every calendar year shall **result in a 'reset penalty fine to zero' process; there shall be no rollover fines or cumulative fines that shall ever be extended to any subsequent calendar year.** ~~default the fine process to its inception; i.e., \$25.00 initial fines followed by the \$100.00 fine for each conviction thereafter.~~
- (c) **Failure of the responsible operator of a sales permit a garage, sale operator** to remove any **and all** advertising signs upon expiration of ~~said the garage sale permit~~ shall be punishable by a fine not to exceed \$25.00 per sign/per day for each day past the **approved** deadline. ~~for removing signs.~~
1. Should the provisions, sections, and/or regulatory measures be in conflict with any existing regulations, it is declared that the intended terms of this ordinance shall govern.
 2. If any part or parts of this Ordinance are found to be invalid by a court of competent jurisdiction, then such invalidity shall not affect the remaining parts hereof and such remaining parts shall remain in full force and effect.
 3. This ordinance shall be effective upon publication of the caption of this ordinance which shall be published by the City Secretary in a newspaper of general circulation in the City of Mission according to legislative protocol.
 4. Upon approval, the City Secretary is hereby instructed to send a signed copy of this ordinance to the City of Mission's codifying agent so that the regulatory terms and amendments approved hereby are properly reflected on the City of Mission's Code of Ordinances.

READ, DISCUSSED, AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS, in accordance with the provisions of Chapter 551 of the Texas Government Code, at a Regular Meeting called and publicly held at the City of Mission's City Hall, on this the 22nd day of November, In The Year of Our Lord, 2021.

CITY OF MISSION, TEXAS


Armando O'Caña, Mayor

ATTEST:


Anna Carrillo, City Secretary



APPROVED AS TO FORM:


CITY ATTORNEY

GARAGE SALE

ORDINANCE NO. ____

AN ORDINANCE AMENDING CHAPTER 82 - SALES, ARTICLE II. – GARAGE, PORCH, YARD, CLUBHOUSE/RECREATION HALL, RUMMAGE, TENT, AND ESTATE SALES, SECTION 82-36. TERM OF GARAGE SALE PERMIT, SECTION 82-37. MAXIMUM NUMBER OF GARAGE SALES, AND SECTION 82-40 PERMITS NUMBER AND SALES PERMIT INFORMATION, TEXAS; AND PROVIDING A PUBLICATION DATE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSION, COUNTY OF HIDALGO, TEXAS THAT:

1. The Sales Code, Article VII – Garage, Porch, Yard, Clubhouse/Recreation Hall, Rummage, Tent, and Estate Sales, Sec.82-36 to be amended to read as follows:

Clubhouse/Recreation Hall Park Sale – ~~One day sale only~~ 1 day, **but no more than a 3-day sale**; must submit a list of all property owners that will participate and their addresses.

Estate Sale – ~~Two day~~ **4-day** sale; proper documentation shall be provided as part of the permit application process to sustain that said estate sale is a legitimate event.

2. The Sales Code, Article VII – Garage, Porch, Yard, Clubhouse/Recreation Hall, Rummage, Tent, and Estate Sales, Sec.82-37 Maximum number of garage sales to be amended to read as follows:

Clubhouse/Recreation Hall Park Sale and Tent Sale shall be valid for 1 day, but no more than a 3-day sale. ~~Each location~~ Clubhouse/recreation hall park sales shall be allowed 2 permits per calendar year, not to exceed 1 permit per 6-month interval. Tent Sale shall be allowed 4 permits per calendar year, not to exceed 1 per 3-month interval.

3. The Sales Code, Article VII – Garage, Porch, Yard, Clubhouse/Recreation Hall, Rummage, Tent, and Estate Sales, Sec.82-40 Permit number and sales permit information to be amended to read as follows:

(a) Each sales permit issued shall bear the street address of the residence where the sale will be located, the date(s) when the ~~garage~~ sale will be held, and any other reasonable information deemed necessary by the City of Mission.

4. The provisions of this Ordinance are to be published in the locations indicated in the Code of Ordinances of the City of Mission, Texas as soon as practicable.
5. This Ordinance shall take effect immediately upon its passage and publication according to law.

READ, CONSIDERED AND PASSED, THIS THE ____ DAY OF _____, 2023.

NORIE GONZALEZ GARZA, MAYOR

ATTEST:

ANNA CARRILLO, CITY SECRETARY

ORDINANCE NO. 1107

AN ORDINANCE REQUIRING OFF-STREET PARKING; DEFINING TERMS; ESTABLISHING MINIMUM NUMBER OF SPACES FOR VARIOUS USES; ESTABLISHING METHOD FOR COMPUTING REQUIREMENTS; ESTABLISHING LOCATION OF PARKING SPACES; REQUIRING LOADING ZONES; PROVIDING FOR STANDARDS; PROVIDING FOR PENALTIES; AND AUTHORIZING THE LEASING OR PURCHASE OF OFF-STREET PARKING

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS, THAT:

SECTION 1 REQUIRED

In all districts there shall be provided at the time any building or structure is erected or structurally altered, except as provided in Section 11, off-street parking and maneuvering spaces in accordance with the following minimum requirements. All parking and maneuvering space shall be provided on private property unless otherwise stated. When, in the opinion of the City, the provisions of this chapter are not adequate, such additional requirements as may be necessary and desirable may be required.

SECTION 2 DEFINITIONS.

OFF-STREET PARKING SPACE

An area (with all weather surface or paving as required by use) not part of which is closer than eight (8) feet from the back edge of the curb, the width and length of which shall be a minimum of 9' x 18', or the width and length of which shall exceed by a minimum of two (2) feet the dimensions of the type of vehicle normally to be parked in the space, and connected with a street or alley by a driveway affording satisfactory ingress and egress.

MANEUVERING SPACE

The space entirely on private property required for maneuvering vehicles into and out of parking spaces in such a manner to preclude the backing of any vehicle into any street right-of-way. Such maneuvering space shall be no closer than eight (8) feet from the back edge of the curb. (On residential street, no maneuvering space required.)

SECTION 3 MINIMUM REQUIREMENTS.

(a) Single-family dwellings. Two (2) parking spaces per dwelling unit in all use districts. Exception: Where the lot was subdivided prior to the current minimum lot sizes and where the lot has less than fifty (50) feet of frontage and contains less than five thousand (5,000) square feet an exception may be granted to allow one (1) parking space per dwelling. No maneuvering space is required.

(b) Two-family dwellings. A minimum of two (2) parking spaces for each family dwelling unit in a building. On residential streets, no maneuvering space is required. Exception: In those instances in which the required parking space for family dwelling units in a building or buildings are to be combined, maneuvering space shall be provided in accordance with all other applicable sections of this Ordinance.

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SECTION 4 MINIMUM REQUIREMENTS WHERE MANEUVERING SPACE IS REQUIRED.

- (a) Three-family, four-family dwellings; two (2) parking spaces for each residential unit.
- (b) Multi-family dwellings:
- (1) One (1) parking space for each efficiency or studio apartment, or rooming house sleeping room.
 - (2) One and one-half ($1\frac{1}{2}$) parking space for each one (1) bedroom living unit.
 - (3) One (1) space for each efficiency unit. One and one-half ($1\frac{1}{2}$) spaces for each one-bedroom unit. One and three-quarters (1.75) spaces for each two-bedroom unit. Two (2) spaces for three bedroom or greater. More or less parking spaces than required, based on determination of the Planning and Zoning Committee.
- (c) Club or Lodge. One (1) parking space for each four (4) members.
- (d) Church or temple. One (1) space for each four (4) seats in the main auditorium.
- (e) School: (Except High School or College) One and one-half ($1\frac{1}{2}$) spaces for each classroom. High School or College: One (1) parking space for each eight (8) seats in main auditorium or four (4) parking spaces for each classroom, whichever is greater.
- (f) Hospital. Two (2) spaces for each bed.
- (g) Sanitorium, Convalescent Homes, Home for the Aged, or other similar uses. One (1) space for each two (2) beds.
- (h) Theater or Auditorium (Except School). One (1) space for each four (4) seats or bench seating spaces.
- (i) Commercial Sports Arena, Stadium or Gymnasium. One (1) space for each four (4) seats or seating spaces.
- (j) Hotel or Motel. One (1) space for each sleeping room or suites, plus one (1) space for each two hundred (200) square feet of commercial floor area contained therein.
- (k) Dance Hall, Assembly or Exhibition Hall Without Fixed Seats. One (1) space for each one hundred (100) square feet of floor area used therefor.
- (l) Commercial Development Outside the Central Business District. Four (4) spaces for up to four hundred (400) square feet of floor area, plus one (1) space for each additional four hundred (400) square feet of floor area up to five thousand (5,000) square feet. For building containing over five thousand (5,000) square feet, a separate parking plan must be shown to describe the following: Number of spaces; ratio of spaces to floor space; dimensions; driveway locations and sizes; on-site traffic control; study showing capacity of street system to handle increased traffic flow.
- (m) Commercial Development Within The Central Business District. Four (4) spaces for up to four hundred (400) square feet of floor space, plus one (1) space for each additional four hundred (400) square feet of floor up to three thousand (3,000) square feet. For buildings containing over three thousand (3,000) square feet, a separate parking

plan must be shown to describe the following: Number of spaces, ratio of space to floor area; dimensions; driveway locations and sizes; on-site traffic control a study showing the capacity of the street system to handle increased traffic flow. Where a proposed commercial development is required to have off-street parking in excess of the land for parking purposes, a fee to two thousand dollars (\$2,000) per space will be paid to the City in lieu of meeting the minimum parking requirements.

(n) Bowling Alley. Five (5) spaces for each alley.

(o) Mortuary or Funeral Home. One (1) space for each fifty (50) square feet of floor space in slumber room parlor or individual funeral service rooms.

(p) Restaurant, Night Club, Cafe or Similar Recreation or Amusement Establishment. One (1) space for each one hundred (100) square feet of floor area or one (1) space for each four (4) seats, whichever is greater.

(q) Manufacturing Industrial Establishment, Research or Testing Laboratory, Creamery, Bottling Plant, Warehouse or Similar Establishment. One (1) space for each two (2) employees on the maximum shift plus space to accommodate all trucks and other vehicles used in connection therewith.

SECTION 5 RULES FOR COMPUTING THE PARKING REQUIREMENTS.

(a) "Floor Area" shall mean the gross floor area of the specific use.

(b) Where fractional spaces result, the parking spaces required shall be construed to be the largest whole.

(c) The parking space required for a use not specifically mentioned herein shall be the same as required for a use of similar nature.

(d) After the effective date of this chapter, whenever a property is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase to ten (10) per cent or more in the number of existing parking spaces, such space shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this chapter is enlarged to the extent of fifty (50) per cent or more in floor area used, said building or use shall then and thereafter comply with the parking requirements set forth herein.

(e) In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

(f) Where none of the foregoing rules are applicable to an existing fact situation, the method for computing the parking requirements shall be established by parking data from other acceptable publications.

SECTION 6 LOCATION OF PARKING SPACES.

(a) All parking spaces required herein shall be located on the same property with the activity or establishment, except that where an increase in the number of spaces is required by a change in use or enlargement or where such spaces are provided collectively or used jointly by two (2) or more activities or establishments, the required spaces may be located not to exceed three hundred (300) feet from an institutional building served and not to exceed five hundred (500) feet from any other nonresidential building served.

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(b) Not more than fifty (50) per cent of the parking spaces required for theaters, bowling alley, dance halls, nightclubs or cafes, and up to one hundred (100) per cent of the parking spaces required for a church or school auditorium may be provided and used jointly by banks, offices, retail stores, repair shops, service establishments and similar uses not open, used or operated during the same hours; provided that written agreement thereto is properly executed and filed as specified below.

(c) In any case where the required parking space are not located on the same property with the activity or establishment, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such use purposes, shall be properly drawn and executed by the parties concerned, approved as to form by the City Attorney and shall be filed with the application for a building permit.

SECTION 7 LOADING SPACE.

Every building or part thereof erected or occupied for retail business, service, manufacturing, storage, warehouse, hotel, mortuary or any other use similarly involving the receipt or distribution of materials or merchandise by vehicles, shall provide off-street loading space in accordance with the following requirements:

(1) In Commercial C-1, C-2, and C-3 districts and Industrial I-1 districts, one (1) loading space for each ten thousand (10,000) square feet or fraction thereof, of floor area in the building.

(2) In commercial C-4 district, and Industrial I-2 district, one (1) loading space for the first fifteen thousand (15,000) feet of floor area in the building and one (1) additional loading space for each fifteen thousand (15,000) square feet, or fraction thereof, of floor area in excess of fifteen thousand (15,000) square feet.

SECTION 8 MINIMUM DIMENSIONS FOR OFF-STREET PARKING.

(a) Ninety-degree angle parking. Each parking space shall not be less than nine (9) feet in width and eighteen (18) feet in length. Maneuvering space shall be not less than twenty-four (24) feet.

(b) Sixty-degree angle parking. Each parking space shall be not less than nine (9) feet wide perpendicular to the parking angle nor less than twenty (20) feet in length when measured at right angles to the building or parking line. Maneuvering space shall be not less than sixteen (16) feet perpendicular to the building or parking line.

(c) Forty-five degree angle parking. Each parking space shall be not less than nine (9) feet wide perpendicular to the parking angle nor less than eighteen and one-half ($18\frac{1}{2}$) feet in length when measured at right angles to the building or parking line. Maneuvering space shall be not less than twelve (12) feet perpendicular to the building or parking line.

(d) When off-street parking facilities are located adjacent to a public alley, the width of said alley may be assumed to be a portion of the maneuvering space requirement.

(e) When off-street parking facilities are provided in excess of the minimum amounts herein specified or when off-street parking facilities are provided, but not required by this chapter, said off-street parking facilities shall comply with the minimum requirements for parking and maneuvering space herein specified.

SECTION 9 PAVEMENT STANDARDS.

All parking lots shall be paved according to city standards and specifications. The parking lanes must be clearly marked by white paint, buttons or other approved material.

SECTION 10 MINIMUM INGRESS-REQUIREMENTS FOR PARKING LOTS.

(a) Width of entrances and exits.

(1) One-way entrance and exit driveways shall be a minimum of twelve (12) feet and a maximum of twenty-five (25) feet wide at the property line.

(2) Two-way entrances and exits shall be a minimum of twenty-five (25) feet and a maximum of forty-five (45) feet wide at the property line. Such two-way entrances and exits shall be divided by a center island which will start one (1) foot inside the sidewalk, or at the right-of-way if no sidewalk or obvious walkway is present. The lane divider island shall be of rugged construction, firmly anchored in place and be a minimum of eight (8) feet in length and six (6) inches high and painted yellow.

(3) The desirable curb return radii are between five (5) and twenty (20) feet. The width of driveway, street lengths, and traffic volumes must be considered when setting curb return radii so as to minimize hazards from entering and existing traffic.

(b) Obstructions to visibility at the intersection of exits and entrances with a public street or alley shall comply with the provisions of section Chapter 29, Article 3 of the Code of Ordinances of the City of Mission.

(c) Locations of entrances and exits to parking areas shall be as near to the center of the block as practical so as to minimize traffic interference at the intersections. All entrances and exits must be clearly marked. The exact location of entrances and exits must be approved by the City on a plat layout diagram at the time of issuance of a building permit. Entrances on state highways must be approved by the City as well as by the Texas Highway Department. The City reserves the right to reduce the number of entrances where requirements of traffic safety demand. The cost of such reductions and entrances will be borne by the applicant.

(d) As a general guide, any parking area having a capacity of more than seventy-five (75) spaces shall have more than one (1) entrance and one (1) exit and any parking area having a capacity of more than one hundred fifty (150) spaces shall have entrances and exits on more than one (1) public street or alley. The specific requirements for the number of entrances and exits will be determined by the nature of the establishment, anticipated traffic flow in and around the parking area, and the requirements of traffic safety.

SECTION 11 EXCEPTIONS FROM PROVISION OF CHAPTER.

(a) Existing structures within the Central Business District used for commercial, professional or office purposes prior to passage of this Ordinance. Existing structures in use for residential purposes prior to passage of this Ordinance shall be exempt from the provisions of this Ordinance so long as residential use continues. The conversion of a residential unit into multi-family unit or an increase in the number of residential unit into multi-family unit or an increase in the number of residential units shall not qualify for this exemption.

(b) The Central Business District (C.B.D.). The C.B.D. is defined as that area from the intersection of 3rd Street

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and Conway Avenue eastward to the intersection of 3rd Street and the alley between Doherty Avenue and Miller Avenue; Thence, northward to the intersection of said alley and 8th Street; Thence, eastward to the intersection of 8th Street and Francisco; Thence, northward to the intersection of Francisco and the Railroad Right-Of-Way; Thence, eastward to the intersection of Railroad Right-Of-Way and Mayberry Road; Thence, northward to the intersection of Mayberry Road and an imaginary line bisecting Block 167, Old Townsite; Thence, westward on the imaginary line bisecting Block 167 and Block 168, Old Townsite continuing westward through the alley on Block 169, Old Townsite to the intersection of said alley and Francisco Avenue; Thence, northward to the intersection of Francisco Avenue and 11th Street; Thence, westward to the intersection of 11th Street and the alley lying between Miller Avenue and Oblate Avenue; Thence, northward to the intersection of said alley and 12th Street; Thence, westward to the intersection of 12th Street and alley lying between Miller Avenue and Doherty Avenue; Thence, northward to the intersection of said alley and 13th Street; Thence, westward to the intersection of 13th Street and the alley lying between Doherty Avenue and Conway Avenue; Thence, northward on said alley to the intersection of alley and Davis Canal; Thence, west, southwest along said canal to intersection of canal and alley lying between Dunlap Avenue and Perkins Avenue; Thence, southward to the intersection of said alley and 12th Street; Thence, westward to the intersection of 12th Street and the alley lying between Perkins Avenue and Railroad Right-Of-Way; Thence, southward to the intersection of said alley and 11th Street; Thence, westward to the intersection of 11th Street and alley lying between Railroad Right-Of-Way and Slabough Avenue; Thence, southward to the intersection of said alley and 10th Street; Thence, westward to the intersection of 10th Street and the Mission Main Canal; following southward on said canal to the intersection of said Canal and 8th Street; Thence, eastward to the intersection of 8th Street and alley lying between Perkins Avenue and Dunlap Avenue; Thence, southward to the intersection of said alley and 3rd Street; Thence, eastward to the intersection of 3rd Street and Conway Avenue. Such "Central Business District" shall include the entire width of streets and alleys forming its boundaries.

(b) Any existing lot which as been platted and filed for record prior to the adoption of the section and is or will be used for the plat purpose, is not required to meet the maneuvering space requirements for this amended section, except within the Central Business District. Where no maneuvering space is provided, a sidewalk shall be constructed on the building side of the parking area. It shall be no less than four (4) feet in width, four (4) inches in depth, and of concrete, stone or masonry construction.

SECTION 12 PENALTIES.

Any person violating any provision of this chapter within the corporate limits of the City shall be guilty of a misdemeanor, and, upon conviction, shall be fined in an amount not to exceed two hundred dollars (\$200.00). Each day that such violation continues shall be a separate offense. Prosecution or conviction under this provision shall never be a bar to any other remedy or relief for violation of this chapter.

SECTION 13 LEASING OF OFF-STREET PARKING SPACES.

The City of Mission hereby authorizes the leasing of existing and any future off-street parking spaces to individuals or business establishments to be utilized by such lessees upon the terms and conditions as follows:

- (1) The annual rental for such parking space shall be

one hundred twenty dollars (\$120.00), payable annually in advance. This amount may be increased from time to time, but only on permit anniversary and with authority of the City Commission.

(2) Any person so leasing such space shall have the right at any time to park in any off-street parking space without the necessity of putting any money in the parking meter thereon located. However, the City does not guarantee that space will be available.

(3) The City will issue a permit to the lessees of such spaces of a form and design to be prepared by the City, such permits to have thereon numbers from one to twelve (12) consecutively indicating the month of the year issued and requiring renewal or otherwise termination in the corresponding month of the following year. Permits shall be nontransferable.

(4) Each holder of a lease for said year period shall be issued a sticker of a kind and design to be prepared by the City which shall be placed on the rear window behind the driver's side on the vehicle for which used and remain there during the rental year.

(5) In the event of the destruction of a vehicle on which such sticker is located to the extent that such vehicles is no longer used, or in the event of a transfer of title of such vehicle, such sticker shall be removed by the owner of the vehicle and returned to the Mission Police Department so that the Mission Police Department may issue a new sticker for the remaining portion of the term for which it was paid and which shall be immediately placed on the owner's vehicle as indicated.

(6) Owners or tenants required by this chapter to furnish off-street parking spaces in accordance with Section 5, Rules for Computing the Parking Requirements, may, in lieu thereof, purchase off-street parking permits in an amount equivalent to the required parking of this chapter, provided that the following are assured:

(a) When additional off-street parking space is required by this chapter, at least seventy-five (75) per cent of the off-street parking space required in Section 3 must be provided on site or within the Central Business District as defined in Section 11 (b). The remaining twenty-five (25) per cent may be provided through the lease arrangement explained hereon or through the two thousand dollars (\$2,000.00) per space provision of Section 4, paragraph (m).

(b) On existing buildings where enlargement or change of use is contemplated that does not directly create a need for additional parking, such as warehouse or storage facilities, no additional parking will be required for such enlargement or change, except where the enlargement is greater than ten (10) per cent of existing floor area or where the change in use requires an increase in existing parking. Any enlargement of less than ten (10) per cent of existing floor space and thus requiring no additional parking shall be permitted only one, and the right to such enlargement without providing additional parking is noncumulative.

(c) To alleviate undue hardships from the strict application of the terms of this section, as amended, persons aggrieved may appeal the decision of the enforcing official within ten (10) days of the decision directly to the City Commission. A hearing on the merits of the complaint after due notice to all parties involved will be held at the earliest possible date.

(7) Each lessee at the time of receiving a permit will be furnished with a copy of this section.

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(8) The City reserves the right at any time to cancel and terminate any permit issued as authorized by this section, conditioned, however, that the City will refund to the purchaser or lessee the proportionate value of the unused term thereof.

(9) The City reserves the right based on its best judgement related to the use and anticipated use under this section of off-street parking spaces to limit the total number of permits that may be granted for such existing spaces and, when the total available number is reached, to terminate any further leases unless as a result thereof additional off-street parking space is acquired by the City.

(10) The City shall maintain a continuing record of all permits issue by name, address or purchaser, and serial number.

READ, CONSIDERED, APPROVED AND PASSES this 14th day of September, A.D., 1981.

CITY OF MISSION

BY: *F. Ortegón*

DR. F. ORTEGON, MAYOR

ATTEST:

Deldie Garcia
DELDIE GARCIA, CITY SECRETARY

OFF STREET PARKING

ORDINANCE NO. ____

AN ORDINANCE AMENDING CHAPTER 110-TRAFFIC AND VEHICLES, ARTICLE VIII. – STOPPING, STANDING, PARKING, DIVISION 4.- OFF-STREET PARKING, SECTION 110-463 MINIMUM PARKING REQUIREMENTS FOR COMMERCIAL DEVELOPMENT INSIDE AND OUTSIDE THE CENTRAL BUSINESS DISTRICT IN MISSION, TEXAS; AND PROVIDING A PUBLICATION DATE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSION, COUNTY OF HIDALGO, TEXAS THAT:

1. The Traffic and Vehicles Code, Article VIII – Stopping, Standing, Parking, Division 4 ‘Off-street Parking’ of the Code of Ordinances, Section 110-463(b)(12) to be amended to read as follows:

Commercial development outside the central business district: Four spaces for up to ~~250 400~~ square feet of floor area, plus one space for each additional **250 400** square feet of floor area up to 5,000 square feet. For building containing over 5,000 square feet, a separate parking plan must be shown to describe the following: Number of spaces; ratio of spaces to floor space; dimensions; driveway locations and sizes; on-site traffic control; study showing capacity of street system to handle increased traffic flow.

2. The Traffic and Vehicles Code, Article VIII – Stopping, Standing, Parking, Division 4 ‘Off-street Parking’ of the Code of Ordinances, Section 110-463(b)(13) to be amended to read as follows:

Commercial development within the central business district: Four spaces for up to ~~250 400~~ square feet of floor area, plus one space for each additional ~~250 400~~ square feet of floor area up to 3,000 square feet. For building containing over 3,000 square feet, a separate parking plan must be shown to describe the following: Number of spaces; ratio of spaces to floor space; dimensions; driveway locations and sizes; on-site traffic control; study showing capacity of street system to handle increased traffic flow.

3. The provisions of this Ordinance are to be published in the locations indicated in the Code of Ordinances of the City of Mission, Texas as soon as practicable.
4. This Ordinance shall take effect immediately upon its passage and publication according to law.

READ, CONSIDERED AND PASSED, THIS THE ____ DAY OF _____, 2023.

NORIE GONZALEZ GARZA, MAYOR

ATTEST:

ANNA CARRILLO, CITY SECRETARY

SPECIAL USE PERMIT

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE VI OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS', CODE OF ORDINANCES – SPECIAL USE PERMIT -WHEREBY SPECIAL USES ARE SPECIFIED TO BE HEREAFTER ESTABLISHED; AMENDING CHAPTER 10 – AMUSEMENTS AND ENTERTAINMENT, ARTICLE I – IN GENERAL; PROVIDING FOR A SEVERABILITY PROVISION; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE'S APPLICABILITY; PROVIDING INSTRUCTION TO THE CITY SECRETARY TO PUBLISH THESE SPECIAL USE REQUIREMENTS IN THE CITY OF MISSION, TEXAS' CODE OF ORDINANCES

WHEREAS, The City of Mission, Texas was incorporated to provide for orderly growth and maximum enjoyment to its citizens, patrons, and guests of its general ambience, as established and uniformly enforced laws, statues, and ordinances; and,

WHEREAS, The City of Mission, Texas desires to establish certain criteria that will regulate the location of special use permits, in the best interest of the overall general public.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSION, COUNTY OF HIDALGO, TEXAS THAT THE FOLLOWING PROVISIONS OF CHAPTER 10 – AMUSEMENTS AND ENTERTAINMENT, ARTICLE I – IN GENERAL, BE HEREBY AMENDED:

Section 10-1 - Generally.

- 1) Purpose. The Special Use Permit (SUP) is to determine if specific uses should be allowed on a property.
- 2) Applicability. In addition to the applicable required procedures of the Planning and Zoning Department. The specific procedural provisions of this section shall apply to all uses and structures denoted as specific use for the relevant zoning district.

Section 10-2 – Permit Required

A Special Use Permit (SUP) is required for the following:

- 1) City Sponsor Events
- 2) Pop out Tent Sales, on an organized manner
- 3) 1 Day events

Section 10-3 Decision Criteria

In determining whether to approve with conditions, or deny a Special Use Permit (SUP), the review bodies shall consider the following:

- 1) *SUP Standards.* All standards of a conditional use permit shall be met for the proposed Special Use Permit (SUP)
- 2) *Harmonious and Orderly Development.* The nature and intensity of the operations involved in or conducted in connection with it and the size of the site in relation to it are such that the proposed special use will be in harmony with the appropriate and orderly development of the neighborhood in which it is located.
- 3) *Nuisances.* Operations in connection with any special use will not be more objectionable to nearby properties by reason of noise, fumes, vibration, or other characteristics than would the operations of any permitted use not requiring special use approval.

- 4) *Parking Areas.* Parking areas will comply with the off-street parking regulations of the City of Mission Code of Ordinances and will adequately and appropriately screened from adjoining residential uses, and the entrance and exit drives shall be laid out so as to achieve maximum safety.
- 5) *Access.* The road system providing access to the proposed special use is adequate to serve the site for the intended use, and
- 6) *No More Appropriate Sites.* There are not sites zoned for the Special Use by the right that could serve the same purpose. The Planning and Zoning Division may require evidence that there are not more appropriate sites for the proposed special use.

Section 10-4 Procedures.

- 1) *Application.* All SUP applications shall be submitted 30 days prior to the proposed event. All applications must include the following substantive information
 - a) The grounds on which the special use is requested;
 - b) A site plan; and
 - c) A statement regarding how the proposed special use meets all applicable requirements of the Code of Ordinances.
- 2) *Review and Recommendation.* The Planning Director shall review all evidence and make a recommendation to the City Manager.
- 3) *Final Decision.* The City Manager shall approve, approve with conditions, or deny a SUP based on the recommendation of the Planning Director.
- 4) *Conditions of Approval.*
 - a) *Generally.* In addition to the general requirements listed above, uses requiring a SUP shall be subject to the imposition of conditions for each use outlined below:
 - i. Assurance that the special use is developed exactly as presented in drawings, exhibits, and assertions.
 - ii. Limit uses, reduce density, and/or increase open space, landscaped surfaces, or environmental protection to ensure that the special use is consistent with the area's character or adequately protects the use and enjoyment of neighboring property.
 - iii. Limit the length of time a special use may exist, or provide for periodic review of the appropriateness of the use, or provide for eventual elimination of the use.
 - iv. Impose conditions on hours of operations and the use of outdoor lighting.
 - v. Impose any other conditions that ensure the general purposes, goals, and objectives of the Comprehensive Plan and this Code are met
 - vi. Prevent or minimize adverse effects from the proposed special use and development on other properties in the neighborhood and on the public health, safety, and welfare.
- 5) *Acceptance of Conditions.*
 - i) All conditions and restrictions shall be written and mailed to the applicant within 3 days of approval by the City Manager.
 - ii) The applicant shall submit a written statement agreeing to the approval and all conditions within 10 days of the date of the written notice of the conditions and restrictions.
 - iii) If the conditions are accepted, the project is approved. If no agreement is offered or if the conditions are rejected, the application is denied.
- 6) *Amendment of SUP Approval.* No use or activity permitted as a SUP shall be enlarged or extended beyond the limits authorized in the grant or special use approval. All enlargements, extensions, and changes in use shall require a new application for a special use to reflect the change(s).
- 7) *Revocation.*
 - a) The City may revoke a SUP for violation of the conditions of approval or because the permit has expired.

- b) The City shall provide notice to the landowner and public in the same manner as provided for the establishment of the special use.
- c) Revocation shall be recommended for violations of the special use permit or other regulations of the City.

Section 10- 5 Effect of Decision

- 1) *Authorization.* An approved SUP authorizes a use or structure according to specific standards set out in the Code of Ordinances and conditions of approval.
 - 2) *Transferability.* A SUP is **not** transferable between property owners or between operators or applicants.
2. Should any sentence, clause, phrase, or section of this ordinance be declared invalid by a court of competent jurisdiction, such declaration shall not affect the remaining portions of this ordinance which shall remain in full force and effect.
3. This Ordinance shall take effect immediately upon its passage and publication according to law.

READ, DISCUSSED, CONSIDERED AND PASSED ON THIS THE 13TH DAY OF FEBRUARY, IN THE YEAR OF OUR LORD, 2023.

ATTEST:

Norie Gonzalez-Garza, Mayor

Anna Carrillo, City Secretary

NO PARKING ON GRASS

ORDINANCE NO. 5001

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS, AMENDING SECTION 110-463 (a), OF THE CODE OF ORDINANCES OF THE CITY OF MISSION, TEXAS, NOT TO ALLOW THE PARKING OF VEHICLES WITHIN THE FRONT, SIDE, AND REAR YARDS OF RESIDENTIALLY ZONED PROPERTIES.

WHEREAS, The City of Mission, Texas has determined a need to control the parking of vehicles in residential neighborhoods and;

WHEREAS, The City of Mission, Texas desires to establish certain criteria that will regulate the location of parked vehicles in residential areas, in the best interests of the overall general public.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS, THAT:

A. Section 110-463 (a), Chapter 110 'Traffic and Vehicles', is hereby amended by adding subsection (3) as follows:

(3) It shall be unlawful for any owner or occupant of any residential dwelling to park or allow a third party:

- a) To park a vehicle in the front yard of such residential dwelling;
- b) To park a vehicle on the side yard of an interior lot; or
- c) To park a vehicle in the side or rear yard of a corner lot;

except on a parking space constructed or installed in accordance with city standards and specifications as approved by the planning director and city engineer jointly.

This prohibition is applicable to any new or existing single-family residence notwithstanding section 1.9 (1) of the Zoning Code regarding the date of the subdivision in which the residence is located, the date of annexation of the property on which the residence is located, or the fact that it was not unlawful to park or allow a vehicle to be parked in the front yard prior to the date this prohibition was adopted by the city council. In the prosecution of any violation of this subsection there shall be a rebuttable presumption that the owner and/or occupant of the single-family residence either parked the vehicle or allowed the vehicle to be parked in the front yard.

- B. If any part or parts of this Ordinance are found to be invalid by a court of competent jurisdiction, then such invalidity shall not affect the remaining parts hereof and such remaining parts shall remain in full force and effect, and to the extent this ordinance is considered severable.
- C. This ordinance shall be effective upon publication of the caption of this ordinance which shall be published by the City Secretary in a newspaper of general circulation in the City of Mission according to law.
- D. A violation of this ordinance may result in a fine not to exceed \$500.00.

READ, PASSED, CONSIDERED, AND APPROVED ON THIS THE 22ND DAY OF MARCH IN 2021.

ATTEST:



Anna Carrillo, City Secretary





Armando O'Caña, Mayor

CARPORTS

ORDINANCE NO. 5208

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS,
AMENDING APPENDIX A – ZONING, ARTICLE VIII – USE DISTRICTS AND
CONDITIONAL USES OF ITS CODE OF ORDINANCES BY CHANGING SECTION
1.37-2(d), 1.371-2(d), 1.372-2(d), AND 1.38-2(h) OF ITS CODE OF ORDINANCES, AND
PROVIDING A CODIFICATION CLAUSE; AND PROVIDING A PUBLICATION
DATE

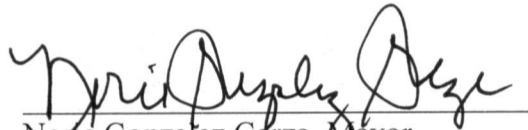
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSION, COUNTY OF HIDALGO, TEXAS THAT APPENDIX A – ZONING, ARTICLE VIII- USE DISTRICTS AND CONDITIONAL USES, SECTION 1.37-2(d), 1.371-2(d), 1.372-2(d), AND 1.38-2(h) READ AS FOLLOWS:

1. That Sections 1.37-2(d), 1.371-2(d), 1.372-2(d), and 1.38-2(h), Zoning Code is amended to read as follows:

An accessory use customarily related to a principal use authorized in this district. Furthermore, any non-living accessory structure such as a carport or a garage, whether as an addition or as a detached building, shall not exceed 800 square feet, and shall not exceed 15' in total height as measured to the top of its roof. No carport, whether temporary or not, shall have a roof composed of tarp or canvas. **Fabric-like material will be allowed with the stipulation that it has to be maintained at all times.**

This Ordinance shall take effect immediately upon its passage and publication according to law.

READ, DISCUSSED, CONSIDERED AND PASSED ON THIS THE 8TH DAY OF AUGUST IN THE YEAR OF OUR LORD, 2022.


Norie Gonzalez Garza, Mayor

ATTEST:


Anna Carrillo, City Secretary

